

Item # _____

Prepared by: Gloria Kelly
Real Estate Services

Approved by: Lisa Kelly
County Attorney

RESOLUTION TO AMEND RESOLUTION APPROVED OCTOBER 12, 2009 BY THE SHELBY COUNTY BOARD OF COMMISSIONERS UNDER ITEM NO. 14 ENTITLED, "RESOLUTION RESCINDING THE SALE OF ONE COUNTY-OWNED DELINQUENT TAX PARCEL ACQUIRED FROM SHELBY COUNTY TRUSTEE TAX SALE NO. 0203 AND SOLD TO TRUSTEES OF ST. JAMES CME CHURCH, PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 67-5-2507, AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO REFUND THE SALE PRICE TO TRUSTEES OF ST. JAMES CME CHURCH IN THE AMOUNT OF \$7,000.00 AND THE CLOSING COST IN THE AMOUNT OF \$92.90 FOR SAID PROPERTY; AND AMENDING THE FY 2009/2010 BUDGET. SPONSORED BY COMMISSIONER WYATT BUNKER". SPONSORED BY COMMISSIONER HENRI BROOKS.

WHEREAS, The Board of County Commissioners on September 22, 2008 under Item No. 12 approved the Resolution entitled, "RESOLUTION APPROVING THE SALE OF NINE DELINQUENT TAX PARCELS TOTALING \$66,300.00 FROM TAX SALE(S) 0203, 0204, 0303, 0305, 0306 AND 0401 PURSUANT TO THE PROVISIONS OF TENNESSEE CODE ANNOTATED, SECTION 67-5-2507. SPONSORED BY COMMISSIONER J. W. GIBSON, II.", which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, The Board of County Commissioners on October 12, 2009 under Item No. 14 approved the Resolution entitled, "RESOLUTION RESCINDING THE SALE OF ONE COUNTY-OWNED DELINQUENT TAX PARCEL ACQUIRED FROM SHELBY COUNTY TRUSTEE TAX SALE NO. 0203 AND SOLD TO TRUSTEES OF ST. JAMES CME CHURCH, PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 67-5-2507, AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO REFUND THE SALE PRICE TO TRUSTEES OF ST. JAMES CME CHURCH IN THE AMOUNT OF \$7,000.00 AND THE CLOSING COST IN THE AMOUNT OF \$92.90 FOR SAID PROPERTY; AND AMENDING THE FY 2009/2010 BUDGET. SPONSORED BY COMMISSIONER WYATT BUNKER.", which is attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, The Shelby County Trustee and the County's Finance Department have determined that it is more appropriate for the refund of this purchase price to be paid by the Shelby County Trustee from the original property sale proceeds; and

WHEREAS, It is now necessary to amend the herein referenced Resolution approved under Item no 14 on October 12, 2009 to properly account for the refund of the sale proceeds.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Resolution approved on October 12, 2009 under Item No. 14 rescinding the sale of this County-owned Delinquent Tax Parcel and appropriating funds from the County's General Fund, by amending the FY 2009-10 budget by reducing the expense account 010-307501-6499 Other Services and Expenses and increasing the expense account 010-307501-9420, Gain/Loss on Disposition of Capital Assets each by \$ 7,092.90, for use in refunding the purchase price of \$ 7,000.00 to Trustees of St. James CME Church along with the closing cost that include an advertising fee, recording fee and transfer fee amount totaling \$ 92.90 be and the same is hereby amended to authorize the Shelby County Trustee to execute all documents necessary to affect the sale price refund to Trustees of St. James CME Church in the amount of \$ 7,000.00 for said property.

BE IT FURTHER RESOLVED, That this Resolution shall take effect from and after the date it shall have been enacted according to due process of law, the public welfare requiring it.

Joe Ford, Interim County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED _____

SUMMARY SHEET

I. Description of Item

This Resolution is necessary because it was determined by the Shelby County Trustee and the County's Finance Department, subsequent to the initial Resolution rescinding the sale of this County-owned Delinquent Tax Parcel, that it is more appropriate for the refund of this purchase price to be paid by the Shelby County Trustee from the original property sale proceeds rather than from newly appropriated funds from the County's General Fund.

This Resolution amends the Resolution previously approved on October 12, 2009 under Item No. 14 to authorize the Shelby County Trustee to execute all documents necessary to affect the sale price refund to Trustees of St. James CME Church in the amount of \$ 7,000.00 for said property.

This is an unimproved County owned Delinquent Tax Parcel, 1.0 acre in size, located on Memphis-Arlington Road, within the County of Shelby, and further identified as Tax Parcel Number D01160000055Z. It was acquired in 2005 by the County from Shelby County Trustee Tax Sale No. 0203 for outstanding taxes, penalties and interest. On July 31, 2008, Trustees of St. James CME Church signed an Offer to Purchase Agreement to buy this property for \$ 7,000.00. This sale was approved by the Board of County Commissioners of Shelby County, Tennessee by resolution adopted on September 22, 2008 under Item No. 12 and subsequently closed on November 7, 2008. The Trustees of St. James CME Church is asking the sale be rescinded and the purchase price of \$7,000.00 be refunded along with the closing cost that include an advertising fee, recording fee and transfer fee amount totaling \$92.90 to give the County the opportunity to further investigate the previous owner's claim that the property was tax-exempt at the time of the Tax Sale and should not have been sold to the County and subsequently sold to Trustees of St. James CME Church. Based on the above, it is hereby recommended by the Administration that this resolution be approved.

II. Source and Amount of Funding

The funds required to make this closing cost refund to Trustees of St. James CME Church in the amount of \$ 92.90 shall be debited from Account No. 010-307501-9420.

III. Contract Items

N/A

IV. Additional Information Relevant to Approval of this Item

EXHIBIT "A"

Item #: 12

Prepared by: Gloria Kelly

Approved by: Lisa Kelly

RESOLUTION APPROVING THE SALE OF NINE DELINQUENT TAX PARCELS TOTALING \$66,300.00 FROM TAX SALE(S) 0203, 0204, 0303, 0305, 0306 AND 0401 PURSUANT TO THE PROVISIONS OF TENNESSEE CODE ANNOTATED, SECTION 67-5-2507. SPONSORED BY COMMISSIONER J. W. GIBSON, II.

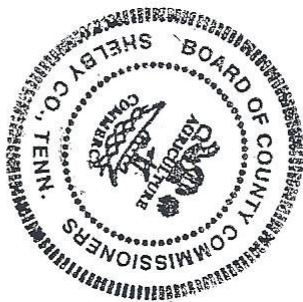
WHEREAS, The Shelby County Board of Commissioners Property Committee pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507 has set a minimum price on the above referenced NINE parcels of delinquent tax property totaling \$66,300.00 from tax sale(s) 0203, 0204, 0303, 0305, 0306 and 0401; and


WHEREAS, The Shelby County Land Bank Department has negotiated sales of said properties; and

WHEREAS, Said properties have been advertised for an increased offer pursuant to Tennessee Code Annotated, Section 67-5-2507.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That NINE delinquent tax parcels totaling \$66,300.00 from tax sale(s) 0203, 0204, 0303, 0305, 0306 and 0401 be sold as set forth in Exhibit "A" which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute a Quit Claim Deed(s) and any other documents necessary for the closing of the aforementioned parcels of property as set forth in Exhibit "A".




A C Wharton, Jr., County Mayor

Date:  26, 2008

ATTEST:


Caroline Vreede
Clerk of County Commission

ADOPTED: SEPTEMBER 22, 2008

EXHIBIT "A"									
Exhibit #	TAX SALE	WBP	ADDRESS LOT SIZE	Zoning Code	Total Taxes and Fees	PURCHASER	EVALUATION	SALES PRICE	PLANNED USE
1581	0305	021078000000030	1281 Vollintine 45' x 80'	R-D	\$8,640.02	Fulton Brothers Initiative, LLC	\$8,000.00	\$9,100.00 House	Investment
1969	0305	0220320000000380	844 Seventh St. 50' x 202'	RMM	\$13,732.97	Trustees-Temple of Praise Community Church	\$7,000.00	\$7,000.00 House	Investment
1995	0303	0240080000000350	252 W. Trigg 30' x 109'	I-L	\$5,682.70	Belzoni Company	\$5,000.00	\$4,000.00 Comm. Bldg.	Investment
4562	0305	0350290000000220	1846 Swift 50' x 108'	R-D	\$19,253.00	Terri Strong	\$8,000.00	\$8,000.00 House	Investment
9261	0306	0530060000000070	3779 Whittier Rd. 75' x 135'	RS-6	\$7,464.22	Haynes Living Trust dated June 12, 2006	\$3,000.00	\$2,000.00 Vacant Lot	Investment
10855	0204	0610200000000030	2551 Supreme 50' x 125'	RS-6	\$7,705.40	Melvin Orange & Marie Orange	\$10,000.00	\$12,200.00 House	Investment
12945	0305	0751740000000030	657 Delta Rd. 61' x 336'	RS-8	\$8,945.18	Albert Brown, II	\$5,000.00	\$5,000.00 House	Investment
18125	0203	D01160000000055Z	Navy Road 208' x 184'	RS-8	\$2,538.07	Trustee-St. James CME Church	\$7,000.00	\$7,000.00 House	Investment
16624	0401	D0124000000005380	Locke Road 4.47 Acres	AG	\$7,475.10	Kenneth Payne, Sr. & Katherine Payne	\$16,000.00	\$12,000.00 Landlocked	Expand Property Size

A-9 08-12-08

9 Properties Total \$66,300.00

EXHIBIT "B"

Item #: 14

Moved by: BROOKS

Prepared by: Gloria Kelly
Real Estate Services

Seconded by: _____

Approved by: Felisa N. Cox
Assistant County Attorney

RESOLUTION RESCINDING THE SALE OF ONE COUNTY-OWNED DELINQUENT TAX PARCEL ACQUIRED FROM SHELBY COUNTY TRUSTEE TAX SALE NO. 0203 AND SOLD TO TRUSTEES OF ST. JAMES CME CHURCH, PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 67-5-2507, AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO REFUND THE SALE PRICE TO TRUSTEES OF ST. JAMES CME CHURCH IN THE AMOUNT OF \$7,000.00 AND THE CLOSING COST IN THE AMOUNT OF \$92.90 FOR SAID PROPERTY; AND AMENDING THE FY 2009/2010 BUDGET. SPONSORED BY COMMISSIONER WYATT BUNKER.

WHEREAS, Shelby County acquired **ONE** improved Delinquent Tax Parcel from Shelby County Trustee Tax Sale No. 0203, which parcel being more particularly described in the listing thereof, which is attached hereto as Exhibit "A", and incorporated herein by reference; and

WHEREAS, Pursuant to the sale provisions of Tennessee Code Annotated Section 67-5-2507, the Shelby County Land Bank Department took charge of and marketed said Delinquent Tax Parcel to secure the best sale price offer for the same; and

WHEREAS, The sale price offer received for said Delinquent Tax Parcel was publicly advertised for increased offers pursuant to Tennessee Code Annotated Section 67-5-2507 in conjunction with establishing the sale price offer received from Trustees of St. James CME Church in the amount of **\$7,000.00** as representing its highest and best sale price; and

WHEREAS, The sale of said Delinquent Tax Parcel to Trustees of St. James CME Church for **\$7,000.00** was approved by the Board of County Commissioners of Shelby County, Tennessee, by Resolution adopted on September 22, 2008, under Item No. 12 and subsequently closed on November 7, 2008; and

WHEREAS, Trustees of St. James CME Church purchased said Delinquent Tax Parcel and now have requested that the purchase price be refunded, along with the closing costs that include the advertising fee, recording fee and transfer fee amounts due to the fact that the previous owner is a tax-exempt non-profit organization and the property was inadvertently sold to Trustees of St. James CME Church as a Delinquent Tax Parcel by the Shelby County Trustee's Office; and

WHEREAS, It is necessary to amend the FY 2009/2010 Budget to account for the cost of this sale price refund.

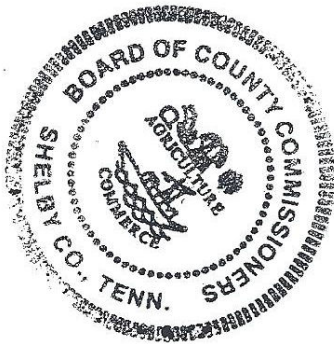
NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the aforementioned sale be rescinded and the purchase price of \$7,000.00 be refunded to Trustees of St. James CME Church along with the closing cost that include an advertising fee, recording fee and transfer fee amount totaling \$92.90 be and the same is hereby approved.

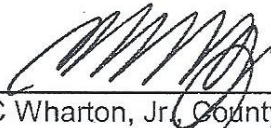
BE IT FURTHER RESOLVED, That the County Mayor be and is authorized to execute all documents necessary to affect the refund to Trustees of St. James CME Church \$7,000.00 the sale price paid for said property along with the closing cost that include an advertising fee, recording fee and transfer fee amount totaling \$92.90.

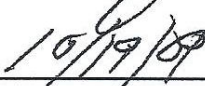
BE IT FURTHER RESOLVED, That the FY 2009/2010 Budget is hereby amended by reducing the Expense Account No. 010-307501-6499, Other Services and Expenses, and increasing the Expense Account No. 010-307501-9420, Gain/Loss on Disposition of Capital Assets, each by \$7,092.90.

BE IT FURTHER RESOLVED, That the funds required to make this sale price refund to Trustees of St. James CME Church in the amount of \$7,092.90 shall be debited from Account No. 010-307501-9420, Gain/Loss on Disposition of Capital Assets.


BE IT FURTHER RESOLVED, That this Resolution shall take effect from and after the date it shall have been enacted according to due process of law, the public welfare requiring it.




A C Wharton, Jr., County Mayor

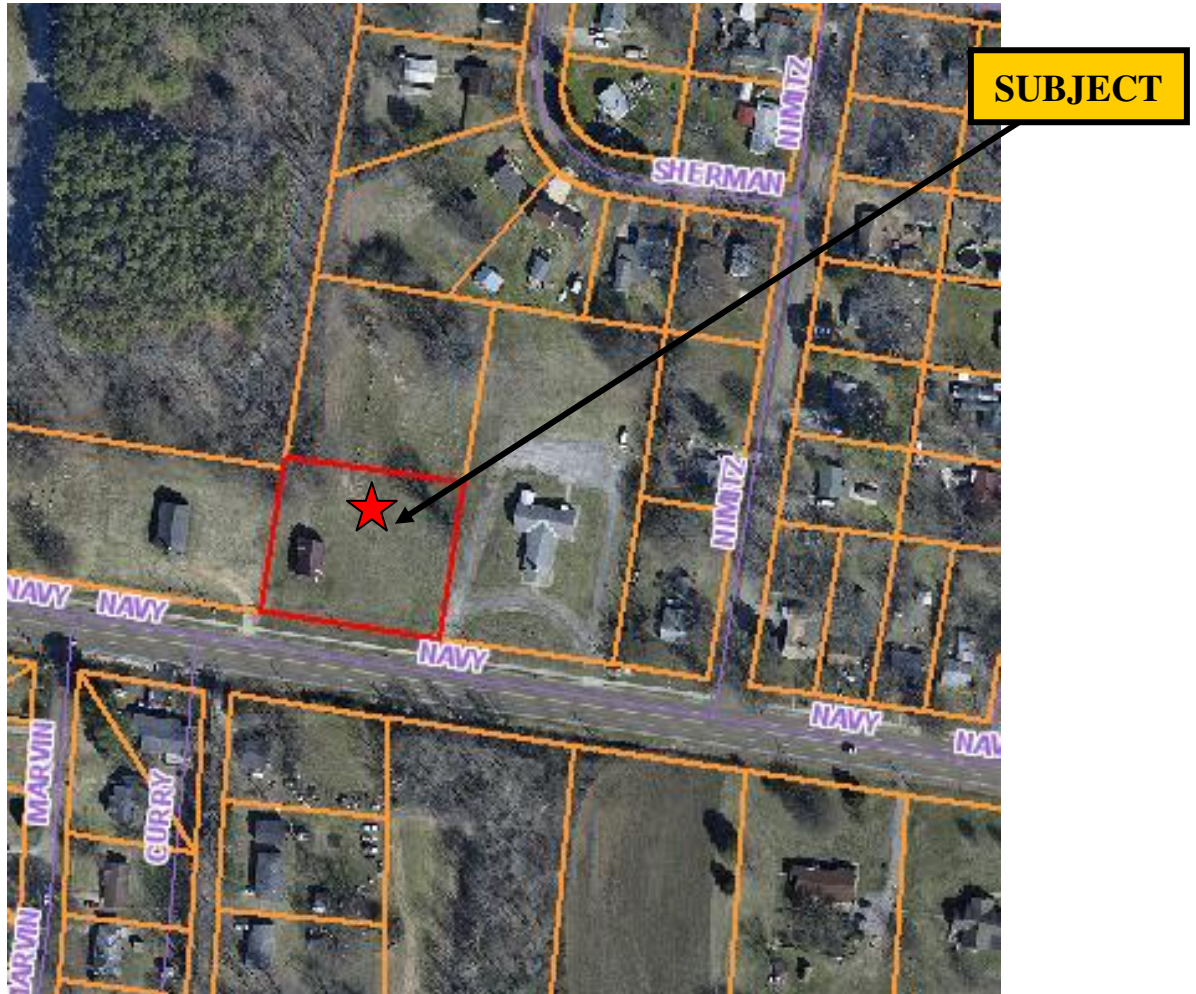
Date:  10/19/09

ATTEST:


Caroline Truffe
Clerk of County Commission

ADOPTED: OCTOBER 12, 2009

Memphis Arlington Road
D01 1600 0 00055Z
1.0 Acres



Memphis Arlington Road
D01 1600 0 00055Z
1.0 Acres

